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UNCLAS SECTION 01 OF 04 NEW DELHI 002492

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TAGS: [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [PTER](#) [SOCI](#) [KTIP](#) [IN](#)
SUBJECT: INDIA: TIP INTERIM ASSESSMENT

Ref A: State 114330
B: New Delhi 2373
C: New Delhi 2385
D: Chennai 338

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Per request in Reftel A, below is post's submission for the
TIP interim assessment:

11. (SBU) Summary. India has made continuing progress since April 2009 in combating human trafficking. The Ministry of Home Affairs has designated trafficking in persons a top priority and demonstrated renewed efforts in tackling the problem. India enhanced efforts to expand law enforcement capacity, deepen interstate coordination, improve protection and compensation programs, and increase public awareness. Although convictions against traffickers and corrupt officials tend to lag, some Indian states have done better than others through the use of fast-track courts. Secretary Clinton has stressed the importance of partnering with governments to help them overcome the TIP challenge. Post strongly believes this approach will lead to progress in working with India to tackle TIP issues and is consistent with one of our top foreign policy objectives of cementing the U.S.-India Strategic Partnership. End Summary.

EXPANDING LAW ENFORCEMENT CAPACITY -----

12. (SBU) The GOI continued expanding central and state law enforcement capacity to combat human trafficking. In an October meeting, Ministry of Home Affairs (MHA) Director Dr. Praveen Singh stressed to Poloffs that sensitizing police officers to TIP issues remains critical since police generally lack training and are preoccupied with competing priorities. The MHA, Bureau of Police Research and Development, and the UN Office on Drugs and Crimes (UNODC) conducted 18 training workshops during 2008-2009 to enhance the anti-TIP capabilities of 5,419 police officers in several states. The GOI held three national/regional level TIP workshops that trained 107 law enforcement personnel, and conducted six "Training-of-Trainers" TIP awareness programs for 207 law enforcement officers in Punjab, Assam, Delhi, Pune, Chennai, and Moradabad.

13. (SBU) The Bureau of Police Research and Development (BPRD) conducted 18 one-day workshops in states in 2008-2009, a fifty percent increase from 2007-2008 year. The (BPRD) also prepared a "Training Manual on Human Trafficking" handbook for investigators, which has been translated and transmitted to states for use in police training institutes. MHA Minister P. Chidambaram will inaugurate a National Seminar on Combating Trafficking in Persons with UNODC in January 2010, where representatives from central ministries, the police, UN agencies, NGOs, and state anti-human trafficking officers will review existing GOI strategy and discuss the way forward, including examining the need for a comprehensive law on human trafficking.

14. (SBU) These center-led efforts at strengthening capacity and awareness are being matched by some states. Haryana state government continued funding sensitivity workshops for police at its police academy. Poloffs came away impressed by a workshop on child rights and trafficking they conducted which was conducted in November by anti-TIP NGO, Shakti Vahini (Ref C). The approximately 40 participants included Investigation Officers, who are the police officials responsible for verifying First Information Reports (which form the basis for beginning and conducting criminal investigations in India). Shakti Vahini has conducted eight sensitivity workshops and trained over 600 officers at the Haryana Police Academy over the past year. Shakti Vahini also conducts similar workshops for police from Punjab, Delhi, and Uttar Pradesh.

15. (SBU) In November, a police inspector from a small Andhra Pradesh village, who had received training on human trafficking, alerted the state's anti-human trafficking unit to a potential trafficking case. The Andhra Pradesh unit then partnered with NGO Prajwala in Maharashtra and the Mumbai police to successfully rescue 19 girls from Mumbai's red light district and arrest five traffickers on November 27. Within 48 hours of the rescue, the district collector provided approximately USD 230 to each victim along with assurances of housing and ration cards as part of a rehabilitation package.

EXPANDING MHA'S ANTI-HUMAN TRAFFICKING CELL

16. (SBU) The MHA expanded its Anti-Human Trafficking Cell (AHTC) from a staff of six officials to ten, headed by a Joint Secretary, a Deputy Secretary, (from the Indian Police Service), a Director, section officers, and support staff. India's Planning Commission quickly committed additional funding for the AHTC this year, and the AHTC should become fully staffed by January. With a budget expected to exceed USD 14 million and a 24-hour control room, the AHTC will

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serve as a central point for the MHA to communicate with its anti-human trafficking officers located in each Indian state. The AHTC's responsibility includes the monitoring of actions taken by state governments regarding both human trafficking and crimes against women. States are required to submit quarterly reports to the AHTC.

17. (SBU) Committed to further enhancing law enforcement coordination among states, the central government has earmarked an unprecedented USD 440 million in funds for states to establish a computerized tracking and network system called the Crime and Criminal Tracking Network System. The ambitious project will modernize the police force and connect all 14,000 of India's linguistically diverse and geographically dispersed police stations to improve interstate coordination and investigation of crimes, including TIP.

EFFORTS TO DECREASE OFFICIAL COMPLICITY

18. (SBU) More rapid progress in tackling corruption and complicity in trafficking by government officials in India remains a challenge for myriad reasons. Police are underpaid and spread thin, while the judicial system is simply overburdened with a shortage of courts and judges and a gargantuan backlog of cases of all types. States have primary responsibility for law-and-order under the Indian constitution and federal structure; thus the central government has limited tools to elicit more rapid case adjudications in the legal system. However, the use of fast-track courts in some Indian states is beginning to make a significant dent into the legal backlog.

19. (SBU) Nevertheless, India continued to make progress in its law enforcement efforts. According to the Ministry of Labor and Employment (MOLE), it has launched 12,244 prosecutions against forced child labor between April 1, 2008 and March 31, 2009; the MOLE obtained 566 convictions. In August, Haryana police detained a Delhi magistrate and arrested three others under the Prevention of Immoral Trafficking Act after raiding a house where they were caught with an alleged prostitute. In November, a team from the National Commission for Women exposed a large trafficking racket in Uttar Pradesh, through which traffickers sent women from areas along the border with

Nepal to the Middle East, with the collusion of corrupt police officials. In December, Goa police submitted a report on three constables for sexually abusing a commercial sex worker earlier in the year.

CONTINUING EFFORTS AGAINST SEX TRAFFICKERS

¶10. (SBU) India's linguistically diverse states have made significant progress in cooperating with each other on human trafficking. Last summer, the Delhi police discovered a 10-year old Sikkim girl who was being sold for approximately USD 1,000. The police worked with the NGO, Shakti Vahini, to rescue her and notify her parents. The girl's parents provided the trafficker's name to Sikkim police, who quickly arrested him upon his return to Sikkim. The next day the Sikkim police arrested eight additional traffickers from this tip.

¶11. (SBU) Chennai police rescued seven Bangladeshi women between February and October 2009 (Ref D). International trafficking cases are unusual for Chennai, and these cases are some of the first instances of trafficking from Bangladesh to the southern city. The police arrested several customers during brothel raids but released them on bail per Indian law after a few days. The police filed cases and treated the women as victims. The police is now working with the Bangladesh High Commission and a Bangladeshi NGO to repatriate the women.

¶12. (SBU) In April, an Andhra Pradesh court convicted seven women and three men for human trafficking, sentencing each person to seven years in prison. The head of Andhra Pradesh's anti-human trafficking wing, S. Umapati, told Poloffs that the state courts meted out four to 14-year prison terms for 55 convicted traffickers in 13 different cases, between February 2008 and June 2009. According to statistics from the Anti-Trafficking Court of Maharashtra, government officials used the Immoral Trafficking Prevention Act (ITPA) to secure 91 convictions against human traffickers, since the court's inception in August 2008. The convictions result from 710 filed warrants and 592 issued summons. (Note: Consulate Mumbai is verifying the conviction number and will report in detail Septel. End Note.) Of 1,302 total cases, 689 are pending. In May, Central Bureau of Investigations (CBI) officers rescued 34 girls while exposing a human trafficking racket in two Mumbai hotels. Officers arrested eight traffickers. The same month, Mumbai prosecutors obtained a conviction and a 10-year sentence against a trafficker. The Delhi police partnered with the NGO, Stop Trafficking and Oppression of Children and Women, to rescue 18 minor girls in November from Delhi's red light district. The police arrested three brothel owners and traffickers.

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IMPROVING PROTECTION AND COMPENSATION PROGRAMS

¶13. (SBU) The Delhi High Court issued a judgment in July that resulted in the investigation, rescue, and rehabilitation of 66 bonded child laborers within five days. The Delhi police investigated the employers and arrested the traffickers under the Bonded Labor Act, the Juvenile Justice Act, and the Child Labor Act. Officials provided the rescued children release certificates and fined the employers approximately USD 425 per child. The certificates also entitled each child to enrollment in the National Child Labor Program, a house through the GOI's Indira Awaas Yojana Program, and additional benefits through other government welfare programs. In August, Delhi police and the Labor Department rescued 94 bonded child laborers working in northeast Delhi under the Bonded Labor Act. Each child received a rehabilitation package that included compensation of approximately USD 425 per child. The police arrested two traffickers under the Bonded Labor, Juvenile Justice, and Child Labor Acts along with non-bailable Indian Penal Code sections on kidnapping or abducting with intent to confine or place a person into slavery.

¶14. (SBU) The Ministry of Women and Child Development (MWCD) provided ten states (Andhra Pradesh, Assam, Karnataka, Kerala, Maharashtra, Manipur, Nagaland, Orissa, Tamil Nadu, and Uttar Pradesh) 43 million rupees (approximately USD 952,000) for 96 projects through the

ministry's Ujjawala program during 2008-2009. The Ujjawala program focuses on the prevention, rescue, rehabilitation, and reintegration of trafficking victims. Since 2007, the MWCD has expended 430 million rupees (approximately USD 9.3 million) to establish 314 women shelter homes through its Swadhar program.

INCREASING PUBLIC AWARENESS

¶15. (U) TIP issues are now attracting top-level attention in India. MHA Minister Chidambaram has pushed his ministry to act to address the TIP challenge. He launched a book, titled "Human Trafficking: Dimensions, Challenges and Responses," by acclaimed anti-TIP expert P.M. Nair at a lavish public event on December 2. Supreme Court Justice Cyriac Joseph, renowned human rights activist Kiran Bedi, the Central Bureau of Investigation Director Ashwani Kumar, Home Secretary G.K. Pillai, dozens of senior police officials, and many from the media attended the book launch. In his remarks, Chidambaram emphasized the importance of combating human trafficking, labeling it "one of the gravest and pernicious crimes against human society ... and humanity." He stated that the problem in India is large and that Nair's book is a welcome wake-up call. Chidambaram strongly urged all Indian states to set up anti-human trafficking units in each district, in coordination with the MHA. (Comment: Chidambaram also holds responsibility for counterterrorism. His release of the book demonstrates GOI commitment to combating TIP. End Comment.)

¶16. (SBU) In September, the MHA issued two advisories, one on violence against women (the first advisory released on this subject since 2004), and another against Trafficking in Persons (the first advisory ever released by the Ministry on this subject). NGO contacts who work on TIP in India universally concur that awareness of this TIP issue has significantly increased in India in the past few years.

¶17. (SBU) The Delhi High Court's July judgment also reinvigorated Delhi's Action Plan for Total Abolition of Child Labor by providing additional clarity regarding the proper roles and responsibilities of various government entities in the rescue and rehabilitation of child and bonded laborers in the capital region. The court made clear that the action plan gives police, not the Labor Department, responsibility for lodging complaints against employers using child labor. It also ordered that authorities could recover the fine from the employer on-the-spot rather than waiting for a conviction order against the employer. Senior child welfare advocate, H.S. Phoolka, said the judgment will go a long way in eliminating child labor not only in Delhi but would be used as a precedent nationwide.

¶18. (SBU) In November, the West Bengal state police and the Kolkata city police jointly screened a UNODC produced documentary on trafficking titled "One Life, No Price" at the 15th Kolkata Film Festival. The film, starring top Bollywood stars Amitabh Bachchan and Preity Zinta, is a UNODC pilot project in five states that seeks to create awareness about trafficking victims while empowering the public, media, police officers, prosecutors, and victims. The festival's audience included senior state and city police officers who plan to screen the film across the state to raise TIP awareness. Last spring, the Bihar state government hired Contact Base, an NGO that uses community theater programs, to educate villagers about the dangers of human trafficking and to train local women's groups. Contact Base deployed 35 theater groups throughout the countryside.

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¶19. (SBU) MHA is helping to design a new six-month course on human trafficking at Indira Gandhi National Open University. The course, expected to start in 2010, will be open to post-graduates interested in studying UN protocols and Indian legislation on trafficking. The Delhi Commission on Women organized a one-day consultation in October with local police, hospitals, the tourism industry, and relevant NGOs to discuss establishing a "Gender Helpdesk" during the 2010 Commonwealth Games in New Delhi next October. State officials want to ensure women who are drawn to the area as migrant workers do not fall prey to traffickers.

OTHER SIGNIFICANT DEVELOPMENTS

¶20. (SBU) In July the Ministry of Overseas Indian Affairs (MOIA) drafted proposed legislation on immigration that would provide additional powers to state police in handling cases related to "migration agents." Seeking to protect Indians from exploitation by dubious employment agents, MOIA Minister Vayalar Ravi stressed that the draft legislation will be progressive, with strict penal provisions, and be finalized in the upcoming months. The MOIA also amended immigration rules to improve monitoring of recruitment agents by requiring them to pay higher application fees accompanied by the company's balance sheet and income tax returns for three consecutive years.

¶21. (SBU) India's embassy in Oman introduced several measures this year aimed at ensuring the welfare of Indian workers in the Gulf state. In August, it launched monthly "Open House" sessions to discuss and address problems faced by Indian workers. The embassy holds free legal counseling sessions twice a week and operates a 24-hour hotline for workers to air work grievances and receive assistance. Embassy officials also enforced compulsory attestation of service agreements for all household workers which include mandatory insurance coverage and the provision of mobile phones by their employers.

COMMENT: PARTNERING WITH INDIA ESSENTIAL

¶22. (SBU) The GOI clearly recognizes India's human trafficking challenge and has made significant efforts to overcome it, as demonstrated by the MHA's recent expansion of its Anti-Human Trafficking Cell. Results of government efforts are uneven because of several factors, including India's federal structure, competing priorities (healthcare, poverty, counterterrorism, sanitation, literacy, healthcare), and the sheer diversity of the nation. We must acknowledge this complex environment and that progress toward eradicating human trafficking in India will proceed at a steady pace rather than through rapid top-driven efforts. As TIP awareness continues to grow, the pace will quicken.

(Comment continued)

¶23. (SBU) Building on Secretary Clinton's emphasis on partnership, Post believes that reframing the TIP discourse---under the umbrella of partnering to expand political, economic, and social opportunities for women---will bring us closer to achieving our TIP objectives with India. Post will continue to persuade GOI interlocutors to partner with us on human trafficking, and looks forward to a visit by Ambassador Luis CdeBaca to India early next year.